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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,158

04/01/2005

Joakim Harr

5553

7590

12/05/2006

Mark P Stone  
25 Third Street  
4th Floor  
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EXAMINER

RASHID, MAHBUBUR

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/530,158

Applicant(s)

HARR, JOAKIM

Examiner

Mahbubur Rashid

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3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04/01/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/01/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. An information disclosure statement (IDS) was submitted on 04/01/2005. Accordingly, the examiner has considered the information disclosure statement, see attached 1449.

### ***Specification***

2. The abstract of the disclosure is objected to because "a tool" and "a working element" are both labeled as the element number "5". Correction is required. See MPEP § 608.01(b).
3. The disclosure is objected to because of the following informalities: on page 3, line 2 "gripping device" and on page 3, line 20 "tool" are both labeled as the element number "5". Appropriate correction is required.

### ***Claim Objections***

4. **Claim 1** is objected to because of the following informalities: on page 1, line 4 "a tool" and on page 1, line 6 "a working implement" are both labeled as the element number "5". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1 and 8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

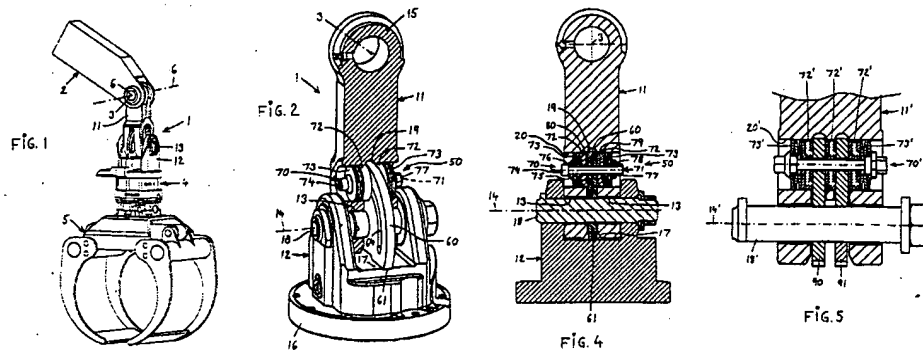
7. Regarding **claims 1 and 8**, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-8** are rejected under 35 U.S.C. 102(b) as being unpatentable over Harr (WO 00/53522).



10. Regarding **[claim 1]**, a swing damping (see fig. 1, element 1) arrangement, particularly an arrangement (see figs. 1, 2, and 5) pertaining to a swing damper (see fig. 1, element 1) for supporting a tool (see fig. 1, element 5) that hangs from a crane arm (see fig. 1, element 2). Wherein the damper (see fig. 1, element 1) includes an upper part (see fig. 1, element 11) connected to the crane arm (see fig. 1, element 2), and a lower part (see fig. 1, element 12) which supports a working implement (see fig 1), either directly or via a rotator (see fig. 1, element 4) for instance, wherein the upper part (see fig. 1, element 11) and the lower part (see fig. 1, element 12) are pivotally connected to each other via a pivot joint (see fig. 1, element 13), and wherein the damper (see fig. 1, element 1) includes a brake arrangement (see fig. 2, element 50), characterized in that the brake arrangement (see fig. 2, element 50) includes a brake unit (see fig. 5, element 70) having discs (see fig. 5, elements 90 and 91) that can swing around the pivot axle (see fig. 5, element 14; also see page 3, lines 30-35) of the pivot joint (see fig. 1, element 13), in that at least one of the discs (see fig. 5, elements 90 and 91) is secured against rotation relative to the upper part (see fig. 1, element 11), in that at least of the discs (see fig. 5, elements 90 and 91) is scoured against rotation relative to lower part (see fig. 1, element 12), in that the arrangement (see figs. 1, 2, and

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5) includes a tensioning element (see fig. 4, elements 76 and 78) which functions to press the discs (see fig. 5, elements 90 and 91) together in a braking operation, and in that the tensioning element (see fig. 4, elements 76 and 78) is located at least partially within one or two pivot bearings (see fig. 2, element 13) located between the upper part (see fig. 1, element 11) and the lower part (see fig. 1, element 12); **[claim 2]** an arrangement (see figs. 1, 2, and 5) characterized in that the brake unit (see fig. 5, element 70) is situated in a space (see figs. 4 and 5) between two pivot bearings (see fig. 2, element 13) located between the upper part (see fig. 1, element 11) and the lower part (see fig. 1, element 12); **[claim 3]** an arrangement (see figs. 1, 2, and 5) characterized in that the upper part (see fig. 1, element 11) includes an abutment surface (see figs. 2 and 4, element 17) for driving at least one disc (see fig. 5, elements 90 and 91); **[claim 4]** an arrangement (see figs. 1, 2, and 5) characterized in that the lower part (see fig. 1, element 12) includes all abutment surface (see figs. 2 and 4, element 17) for driving at least one disc (see fig. 5, elements 90 and 91); **[claim 5]** an arrangement (see figs. 1, 2, and 5) characterized in that at least one disc (see fig. 5, elements 90 and 91) has brake lining (see fig. 5, element 72) on at least one side thereof; **[claim 6]** an arrangement (see figs. 1, 2, and 5) characterized in that discs (see fig. 5, elements 90 and 91) include a through-passing hole (see fig. 3, element 63) for the tensioning element (see fig. 4, elements 76 and 78); **[claim 7]** an arrangement (see figs. 1, 2, and 5) characterized in that the force (see figs 4 and 5, elements 73 and 73' respectively) generated by the tensioning element (see fig. 4, elements 76 and 78) in order to press the discs (see fig. 5, elements 90 and 91) together is based on a spring

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force (see *figs 4 and 5, elements 73 and 73' respectively*) and/or on the application of a pressure medium (see *page 6, lines 26-28*).

Regarding **[claim 8]**, Harr (522) discloses a method (see *page 9, lines 13-35*) relating to a swing damper (see *fig. 1, element 1*), particularly to a swing damper (see *fig. 1, element 1*) for carrying a tool (see *fig. 1, element 5*) that hangs from a crane arm (see *fig. 1, element 2*), wherein the swing damper (see *fig. 1, element 1*) includes an upper part (see *fig. 1, element 11*) which is connected to the crane arm (see *fig. 1, element 2*), and a lower part (see *fig. 1, element 12*) which carries a working implement (see *fig 1*), either directly or via a rotator (see *fig. 1, element 4*) for instance, wherein the upper part (see *fig. 1, element 11*) and the lower part (see *fig. 1, element 12*) are pivotally connected together via a pivot joint (see *fig. 1, element 13*), and wherein the swing damper (see *fig. 1, element 1*) includes a brake arrangement (see *fig. 2, element 50*), characterized in that swinging movement is braked by virtue of upper part (see *fig. 1, element 11*) being caused to entrain at least one disc (see *fig. 5, elements 90 and 91*) of a brake unit (see *fig. 5, element 70*) as part swings, and by virtue of the lower part (see *fig. 1, element 12*) being caused to entrain at least one disc (see *fig. 5, elements 90 and 91*) of the brake unit (see *fig. 5, element 70*) as lower part (see *fig. 1, element 12*) swings, and in that the disc (see *fig. 5, elements 90 and 91*) are pressed together by a tensioning element (see *fig. 4, elements 76 and 78*) in a braking operation where the tensioning element (see *fig. 4, elements 76 and 78*) is located at least partially within one or two pivot bearings (see *fig. 2, element 13*) located between the upper part (see *fig. 1, element 11*) and the lower part (see *fig. 1, element 12*).

### ***Conclusion***


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Roth (US H2012H) discloses a braked joint assembly constructed and operable rotatably or pivotally supporting a conventional grapple mechanism including brake elements (66), space (38), spring members (72) and retainer members (50); Beaulieu (US 5,451,087) discloses grapple bracket (20), arm bracket (21), upper damper (31a), lower damper (31b), sleeves (14) and (15), spring washer (6), and adjusting bolts (30); Hodson (US 5,730,430) discloses pivot pin (28), snubber assembly (36), spring unit assembly (38), disc retainer (40) and split friction disc (42).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahbubur Rashid whose telephone number is (571) 272-7218. The examiner can normally be reached on M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James S. McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you



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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JAMES MCCLELLAN  
SUPERVISORY PATENT EXAMINER  
11/21/02